

111TH CONGRESS  
1ST SESSION

# H. R. 2184

To assist States in making voluntary high quality universal prekindergarten programs available to 3- to 5-year-olds for at least 1 year preceding kindergarten.

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IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 2009

Mrs. MALONEY (for herself, Ms. SCHWARTZ, Mr. FATTAH, Mr. HINCHEY, and Ms. HIRONO) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To assist States in making voluntary high quality universal prekindergarten programs available to 3- to 5-year-olds for at least 1 year preceding kindergarten.

1 Be it enacted by the Senate and House of Representatives  
2 of the United States of America in Congress assembled,

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the ``Prepare All Kids Act  
5 of 2009``.

6 **SEC. 2. HIGH QUALITY PREKINDERGARTEN PROGRAMS.**

7 Title I of the Elementary and Secondary Education  
8 Act of 1965 (20 U.S.C. 6301 et seq.) is amended—

9 (1) by redesignating part I as part J; and

1 (2) by inserting after part H the following:

2 **“PART I—HIGH QUALITY PREKINDERGARTEN**

3 **PROGRAMS**

4 **“SEC. 1841. FINDINGS.**

5 ``Congress makes the following findings:

6 ``(1) Investments in children and early child  
7 hood development education should be a national  
8 priority.

9 ``(2) State-funded preschool is the most rapidly  
10 expanding segment of the United States educational  
11 system, but in many States a lack of stable fundin  
12 poses an enormous threat to the provision or con  
13 tinuation of high quality preschool.

14 ``(3) Researchers, educators, and economists  
15 have long noted an achievement gap for low-income  
16 and minority students as compared to their more ad  
17 vantaged peers that is often already evident when  
18 children enter school for the first time.

19 ``(4) One study showed that before entering  
20 kindergarten, the average cognitive scores of pre  
21 school-age children in the highest socioeconomic  
22 group are 60 percent above the average scores of  
23 children in the lowest socioeconomic group.

24 ``(5) For low-income preschoolers, research  
25 shows that high quality early education and develop

1       ment is vital to closing the achievement gap between  
2       them and their more advantaged peers.

3       ``(6) Numerous studies have shown that high  
4       quality preschool programs—

5               ``(A) improve a number of specific life out-  
6       comes for children; and

7               ``(B) are cost effective.

8       ``(7) The provision of high quality prekindergarten  
9       is a cost-effective investment for children  
10      for the Nation. Research shows that for every \$1 in-  
11      vested in high quality early childhood programs, tax-  
12      payers save up to \$7 in crime, welfare, remedial and  
13      special education, and other costs.

14      ``(8) High quality early education increases academic  
15      success for schoolchildren who received that education  
16      by—

17              ``(A) improving skills in areas such as following  
18      directions and problem solving;

19              ``(B) improving children's performance on  
20      standardized tests;

21              ``(C) reducing grade repetition;

22              ``(D) reducing the number of children  
23      placed in special education; and

24              ``(E) increasing high school graduation  
25      rates.

1       “(9) High quality early education promotes re-  
2       sponsible behavior by teens and adults who receive  
3       that education by—

4               “(A) reducing crime, delinquency, and  
5       unhealthy behaviors such as smoking and drug  
6       use;

7               “(B) lowering rates of teen pregnancy;

8               “(C) leading to greater employment and  
9       higher wages for adults; and

10              “(D) contributing to more stable families.

11       “(10) High quality prekindergarten programs  
12       prepare children to—

13              “(A) succeed in school;

14              “(B) achieve higher levels of education;  
15       and

16              “(C) become citizens who—

17                      “(i) earn more in adulthood;

18                      “(ii) compete in the global economy;

19       and

20              “(iii) contribute to our national pros-  
21       perity.

22   **“SEC. 1842. DEFINITIONS.**

23       “(In this part:

1       ``(1) FULL-DAY.—The term ‘full-day’, used with  
2       respect to a program, means a program with a min-  
3       imum of a 6-hour schedule per day.

4       ``(2) POVERTY LINE.—The term ‘poverty line’  
5       has the meaning given the term in section 673(2) of  
6       the Community Services Block Grant Act (42 U.S.C.  
7       9902(2)) and includes any revision required by that  
8       section.

9       ``(3) PREKINDERGARTEN.—The term ‘pre-  
10      kindergarten’ means a program that—

11          ``(A) serves children who are ages 3  
12          through 5;

13          ``(B) supports children’s cognitive, social  
14          emotional, and physical development and ap-  
15          proaches to learning; and

16          ``(C) helps prepare children for a success-  
17          ful transition to kindergarten.

18      ``(4) PREKINDERGARTEN TEACHER.—The term  
19      ‘prekindergarten teacher’ means an individual who—

20          ``(A) has a bachelor of arts degree with a  
21          specialization in early childhood education or  
22          early childhood development; or

23          ``(B) during the 6-year period following the  
24          first date on which the individual is employed

1 as such a teacher under this part, is working  
2 toward that degree.

3 `` (5) QUALIFIED PREKINDERGARTEN PRO-  
4 VIDER.—The term ‘qualified prekindergarten pro-  
5 vider’ includes a provider of a prekindergarten pr  
6 gram, a Head Start agency, a provider of a child  
7 care program, a school, and a for-profit or nonpro  
8 organization that—

9 `` (A) is in existence on the date of the  
10 qualification determination; and

11 `` (B) has met applicable requirements  
12 under State or local law that are designed to  
13 protect the health and safety of children and  
14 that are applicable to child care providers.

15 **“SEC. 1843. PROGRAM AUTHORIZATION.**

16 `` (a) PREKINDERGARTEN INCENTIVE FUND.—The  
17 Secretary, in collaboration and consultation with the  
18 retary of Health and Human Services, shall create a Pr  
19 kindergarten Incentive Fund, to be administered by th  
20 Secretary of Education.

21 `` (b) GRANTS.—In administering the Fund, the Sec-  
22 retary shall award grants to eligible States based on a  
23 mula established by the Secretary in accordance with s  
24 section (c), to pay for the Federal share of the cos  
25 awarding subgrants to qualified prekindergarten provide

1 to establish, expand, or enhance voluntary high qual  
 2 full-day prekindergarten programs.

3     “(c) MINIMUM ALLOTMENT.—No State shall receive  
 4 a grant allotment under subsection (b) for a fiscal  
 5 that is less than one-half of 1 percent of the total a  
 6 made available to carry out this part for such fiscal

7 **“SEC. 1844. STATE APPLICATIONS AND REQUIREMENTS.**

8     “(a) DESIGNATED STATE AGENCY.—To be eligible to  
 9 receive a grant under this part, a State shall desig  
 10 a State agency to administer the State program of assi  
 11 ance for prekindergarten programs funded through the  
 12 grant, including receiving and administering funds and  
 13 monitoring the programs.

14     “(b) STATE APPLICATION.—In order for a State to  
 15 be eligible to receive a grant under this part, the  
 16 igned State agency shall submit an application to  
 17 Secretary at such time, in such manner, and containin  
 18 such information as the Secretary may reasonably requir  
 19 including—

20         “(1) an assurance that the State will award  
 21 subgrants for prekindergarten programs that are  
 22 sufficient to provide a high quality prekindergart  
 23 experience;

24         “(2) an assurance that not less than 25 percent  
 25 of the qualified prekindergarten providers receivi

1     such subgrants will be providers of community-based  
2     programs;

3         “(3) a description of the number of children in  
4     the State who are eligible for the prekindergarten  
5     programs and the needs that will be served through  
6     the prekindergarten programs;

7         “(4) a description of how the State will ensure  
8     that the subgrants are awarded to a wide range of  
9     types of qualified prekindergarten providers;

10         “(5) a description of how the designated State  
11     agency will collaborate and coordinate activities with  
12     the State Advisory Council on Early Childhood Edu-  
13     cation and Care, State-funded providers of pre-  
14     kindergarten programs, providers of federally funded  
15     programs such as Head Start agencies, local edu-  
16     cational agencies, and child care providers;

17         “(6) a description of how the State will ensure  
18     through a monitoring process, that qualified pre-  
19     kindergarten providers receiving the subgrants pro-  
20     vide programs that meet the standards of high qual-  
21     ity early education, and use funds appropriately;

22         “(7) a description of how the State will meet  
23     the needs of the most disadvantaged students, in-  
24     cluding families at or below 200 percent of the po-  
25     erty line;



1       “(8) a description of how the State will meet  
2       the needs of working parents; and

3       “(9) a description of how the State will assist  
4       in providing professional development assistance to  
5       prekindergarten teachers and teacher aides.

6       “(c) FEDERAL SHARE.—The Federal share of the  
7       cost described in section 1843(b) shall be 50 percent.  
8       State shall provide the non-Federal share of the cost  
9       cash.

10      “(d) SUPPLEMENTARY FEDERAL FUNDING.—Funds  
11      made available under this part may be used only to supple-  
12      ment and not supplant other Federal, State, local, or  
13      State funds that would, in the absence of the funds made  
14      available under this part, be made available for early  
15      childhood programs.

16      “(e) MAINTENANCE OF EFFORT.—A State that re-  
17      ceives a grant under this part for a fiscal year shall  
18      maintain the expenditures of the State for early childhood  
19      programs at a level not less than the level of such expen-  
20      ditures of the State for the preceding fiscal year.

21      **“SEC. 1845. STATE SET ASIDES AND EXPENDITURES.**

22      “(a) INFANT AND TODDLER SET ASIDE.—Notwith-  
23      standing sections 1842 and 1843, a State shall set aside  
24      not less than 15 percent of the funds made available  
25      through a grant awarded under this part for the purposes

1 of funding high quality early childhood development pro-  
 2 grams for children who are ages 0 through 3. Funds made  
 3 available under this subsection may also be used for  
 4 professional development for teachers and teacher aides  
 5 classrooms for children who are ages 0 through 3.

6       ``(b) EXTENDED DAY AND EXTENDED YEAR SET

7 ASIDE.—Notwithstanding section 1843, a State shall set  
 8 aside not less than 10 percent of the funds made avail-  
 9 through a grant awarded under this part for the purpose  
 10 of extending the hours of early childhood programs to  
 11 late extended day and extended year programs.

12       ``(c) ADMINISTRATIVE EXPENSES.—Not more than 5

13 percent of the funds made available through such a grant  
 14 may be used for administrative expenses, including moni-  
 15 toring.

16 **“SEC. 1846. LOCAL APPLICATIONS.**

17       ``To be eligible to receive a subgrant under this part,  
 18 a qualified prekindergarten provider shall submit an ap-  
 19 plication to the designated State agency at such time, in  
 20 manner, and containing such information as the agency  
 21 may reasonably require, including—

22           ``(1) a description of how the qualified pre-  
 23 kindergarten provider will meet the diverse needs  
 24 children in the community to be served, including  
 25 children with disabilities, whose native language

1 not English, or with other special needs, children  
2 the State foster care system, and homeless children

3 `` (2) a description of how the qualified pre  
4 kindergarten provider will serve eligible children  
5 are not served through similar services or programs

6 `` (3) a description of a plan for actively inv  
7 ing parents and families in the prekindergarten pro  
8 gram and the success of their children in the pro  
9 gram;

10 `` (4) a description of how children in the pro  
11 kindergarten program, and their parents and fami-  
12 lies, will receive referrals to, or assistance wit  
13 cessing supportive services provided within the co  
14 munity;

15 `` (5) a description of how the qualified pre  
16 kindergarten provider collaborates with the State  
17 Advisory Council on Early Childhood Education and  
18 Care and providers of other programs serving chil  
19 dren and families, including Head Start agencies,  
20 providers of child care programs, and local edu  
21 cational agencies, to meet the needs of children  
22 families, and working families, as appropriate; and

23 `` (6) a description of how the qualified pre  
24 kindergarten provider will collaborate with local e  
25 cational agencies to ensure a smooth transition f

1 participating students from the prekindergarten pro-  
2 gram to kindergarten and early elementary edu-  
3 cation.

4 **“SEC. 1847. LOCAL PREKINDERGARTEN PROGRAM RE-**  
5 **QUIREMENTS.**

6     “(a) MANDATORY USES OF FUNDS.—A qualified pre-  
7 kindergarten provider that receives a subgrant under t  
8 part shall use funds received through the grant to es  
9 lish, expand, or enhance prekindergarten programs fo  
10 children who are ages 3 through 5, including—

11         “(1) providing a prekindergarten program that  
12 supports children’s cognitive, social, emotional,  
13 physical development and approaches to learning,  
14 and helps prepare children for a successful trans  
15 tion to kindergarten; and

16         “(2) purchasing educational equipment, includ-  
17 ing educational materials, necessary to provide  
18 high quality prekindergarten program.

19     “(b) PERMISSIBLE USE OF FUNDS.—A qualified pre-  
20 kindergarten provider that receives a subgrant under t  
21 part may use funds received through the grant to—

22         “(1) extend part-day prekindergarten programs  
23 to full-day prekindergarten programs and year-round  
24 programs;

1       “(2) pay for transporting students to and from  
2       a prekindergarten program; and

3       “(3) provide professional development assist-  
4       ance to prekindergarten teachers and teacher aides

5       “(c) PROGRAM REQUIREMENTS.—A qualified pre-  
6       kindergarten provider that receives a subgrant under t  
7       part shall carry out a high quality prekindergarten p  
8       gram by—

9           “(1) maintaining a maximum class size of 20  
10       children, with at least 1 prekindergarten teacher p  
11       classroom;

12          “(2) ensuring that the ratio of children to p  
13       kindergarten teachers and teacher aides shall not e  
14       ceed 10 to 1;

15          “(3) utilizing a prekindergarten curriculum tha  
16       is research- and evidence-based, developmentally ap  
17       propriate, and designed to support children’s cog  
18       nitive, social, emotional, and physical developmen  
19       and approaches to learning; and

20          “(4) ensuring that prekindergarten teachers  
21       meet the requirements of this part.

22       **“SEC. 1848. REPORTING.**

23       “(a) QUALIFIED PREKINDERGARTEN PROVIDER RE-  
24       PORTS.—Each qualified prekindergarten provider that re-  
25       ceives a subgrant from a State under this part shall

1 mit an annual report, to the designated State agency, t  
2 reviews the effectiveness of the prekindergarten progr  
3 provided. Such annual report shall include—

4       “(1) data specifying the number and ages of en  
5       rolled children, and the family income, race, gend  
6       disability, and native language of such children;

7       “(2) a description of—

8           “(A) the curriculum used by the program;

9           “(B) how the curriculum supports chil-  
10       dren’s cognitive, social, emotional, and physic  
11       development and approaches to learning; and

12           “(C) how the curriculum is appropriate for  
13       children of the culture, language, and ages of  
14       the children served; and

15       “(3) a statement of all sources of funding re  
16       ceived by the program, including Federal, State,  
17       local, and private funds.

18       “(b) STATE REPORTS.—Each State that receives a  
19       grant under this part shall submit an annual report  
20       the Secretary detailing the effectiveness of all prek  
21       garten programs funded under this part in the State.

22       “(c) REPORT TO CONGRESS.—The Secretary shall  
23       submit an annual report to Congress that describes th  
24       State programs of assistance for prekindergarten pro  
25       grams funded under this part.

1 **“SEC. 1849. AUTHORIZATION OF APPROPRIATIONS.**

2     ‘‘There are authorized to be appropriated to carry o  
3 this part such sums as may be necessary for fiscal ye  
4 2010 through 2014.’’.

5 **SEC. 3. CONFORMING AMENDMENTS.**

6     (a) TABLE OF CONTENTS.—The table of contents in  
7 section 1(b) of the Elementary and Secondary Education  
8 Act of 1965 is amended—

9         (1) by striking the item relating to the par  
10 heading for part I of title I and inserting the  
11 following:

‘‘PART J—GENERAL PROVISIONS’’;

12 and

13         (2) by inserting after the items relating to pa  
14 I of title I and inserting the following:

‘‘PART I—HIGH QUALITY FULL-DAY PREKINDERGARTEN PROGRAMS

‘‘Sec. 1841. Findings.  
‘‘Sec. 1842. Definitions.  
‘‘Sec. 1843. Program authorization.  
‘‘Sec. 1844. State applications and requirements.  
‘‘Sec. 1845. State set asides and expenditures.  
‘‘Sec. 1846. Local applications.  
‘‘Sec. 1847. Local prekindergarten program requirements.  
‘‘Sec. 1848. Reporting.  
‘‘Sec. 1849. Authorization of appropriations.’’.

15     (b) PROVISIONS.—Sections 1304(c)(2) and  
16 1415(a)(2)(C) of the Elementary and Secondary Edu-  
17 cation Act of 1965 (20 U.S.C. 6394(c)(2), 6435(a)(2)(C)  
18 are amended by striking ‘‘part I’’ and inserting ‘‘par

fi